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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,044	12/13/2000	Frederic Bordeaux	195910US0PCT	4048

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EXAMINER	
ROSSI, JESSICA	

ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/622,044	BORDEAUX ET AL.	
	Examiner	Art Unit	
	Jessica L. Rossi	1733	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: (see attached sheets)
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: 12,15-22,26-29.

   Claim(s) withdrawn from consideration: _____.
8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 12, 15-19, and 28-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kramling et al. (US '647; of record) in view of Rieser et al. (US '415; of record), or alternatively, Rieser in view of Kramling, as set forth in paragraph 3 of the final office action, dated 10/27/03.

3. Claims 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kramling et al. and Rieser et al., or alternatively, Rieser and Kramling as applied to claim 18 above, and further in view of the Admitted Prior Art in the specification of the present application, as set forth in paragraph 4 of the final office action.

4. Claims 26-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kramling et al. and Rieser et al., or alternatively Rieser and Kramling, as applied to claim 12 above, and further in view of Fukawa et al. (US '074; of record), as set forth in paragraph 5 of the final office action.

Response to Arguments

5. Applicant's arguments filed 12/22/03 have been fully considered but they are not persuasive; it being noted these arguments are identical to those addressed in the final office action in paragraphs 7-8 of that action.

6. On pages 5, 6, and 7 of the arguments, Applicants rebut any prima facie case of obviousness based on the cited prior art by the significant reduction in injuries that result when a

person strikes the glazing formed by the presently claimed method, which "in a non-intact and bent state, has a Triplex Laceration Index of 7 or less".

The examiner points out that the present claims say nothing about a significant reduction in injury that results when a person strikes the glazing. Therefore, this argument is not commensurate with the scope of the claimed invention.

However, the examiner would like to point out that this "significant reduction" is a direct result of the glazing having a TLI of 7 or less in the non-intact and bent state, which is a direct function of the glazing having an adhesive layer with a thickness of more than 0.76 mm and two glass sheets having a thickness of 1.5-3 mm and a core compressive stress in the central zone ranging from 20-50 MPa - limitations that were rendered obvious by the teaching of Kramling in view of Rieser, or alternatively, Rieser in view of Kramling, as set forth in paragraph 2 above.

Therefore, and as set forth in paragraph 3 of the final office action, although Kramling in view of Rieser, or alternatively, Rieser in view of Kramling, does not expressly teach the TLI of the glazing in a non-intact and bent state, the skilled artisan would have appreciated that the glazing in a non-intact and bent state would have a TLI of 7 or less since the glazing has the same adhesive thickness, glass sheet thicknesses, and mechanical strength as that of the claimed invention. Furthermore, the "significant reduction in injuries that result when a person strikes the glazing" would also be characteristic of the glazing of Kramling and Rieser, or alternatively Rieser and Kramling, since the glazing would have a TLI of 7 or less.

7. On pages 7- 8 of the arguments, Applicants argue that because the cited prior art fails to teach or suggest the significant reduction in injury to persons striking non-intact and bent glazing produced by adhering together an adhesive layer having a thickness greater than 0.76 mm and

two sheets of glass having a thickness of from 1.5 to 3 mm and a core compressive stress in the central zone ranging from 20-50 MPa, the examiner has not established a prima facie case of obviousness.

First, the examiner would like to reiterate that any arguments pertaining to significant reduction in injuries that result when a person strikes the glazing formed by the presently claimed method are not commensurate with the scope of the claimed invention.

As for establishing a prima facie case of obviousness with respect to the claimed limitations, three criteria must be addressed. The three criteria are motivation, reasonable expectation of success, and all the limitations being taught or suggested.

Regarding the first criteria, one skilled in the art would have been motivated by the teaching of Rieser to use an adhesive layer having a thickness greater than 0.76 mm for the glazing of Kramling because such a thickness used in combination with glass sheets each having a thickness consistent with that of Kramling is known in the art, for producing a glazing having optimum safety, as taught by Rieser. Alternatively, one skilled in the art would also have been motivated by the teachings of Kramling to temper the glass sheets of Rieser to have a core compressive stress in the central zone ranging from 1-50 MPa because such strengthening is known in the art for improving the safety of a glazing, as taught by Kramling.

Regarding the second criteria, one skilled in the art would predict a reasonable expectation of success when combining the teachings of Kramling and Rieser to produce an anti-lacerative glazing, because working with such parameters as adhesive and glass thickness and glass strength is well known in the art.

Regarding the third criteria, just because a limitation is not expressly stated in a reference does not mean the reference fails to meet this limitation. Therefore, Kramling in view of Rieser, or alternatively, Rieser in view of Kramling, does teach or suggest all the claimed limitations, as set forth in paragraph 3 of the final office action.

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571-272-1223

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